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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,551	07/30/2003	Robert Ehrhardt	3002	1550
826	7590	01/07/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000				HUFFMAN, JULIAN D
		ART UNIT		PAPER NUMBER
		2853		

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/604,551	EHRHARDT, ROBERT
	Examiner	Art Unit
	Julian D. Huffman	2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 3-9, 12, 15-21, 24, 29-31 and 34 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1, 2, 10, 13, 14, 22, 25-28 and 32 is/are rejected.
- 7) Claim(s) 11, 23 and 33 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 July 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/30/03.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 3-9, 12, 15-21, 24, 29-31 and 34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 12, 2004.

Claim Objections

2. Claims 1-34 are objected to because of the following informalities:

In claim 1, the phrase “the passages of the edges of the labels beneath the heater elements” lacks antecedent basis.

In claim 10, line 2, it is suggested that the “;” be omitted and the word “and” added after the word “frame” and before the phrase “the motion sensor”. Also the word “is” should be inserted between “sensor” and “mounted” in line 3.

In claim 12, lines 2-3, it is suggested that the “;” be omitted and the word “and” be added after the word “probe” and before the phrase “the target probe”. Also in line 3, the word “is” should be inserted after the word “probe”.

In claims 13 and 22, the term “the frame” lacks antecedent basis.

In claim 17, line 2, the “;” it is suggested that the “;” be omitted and the word “and” be added after the word “support” and before the phrase “the motion sensor”. Also, in line 2, the word “is” should be inserted after the word “sensor”.

In claim 19, line 3, the word "is" should be inserted after the word "detector"

In claim 22, line 2, it is suggested that the ":" be omitted and the word "and" be added between the words "frame" and "the". Also, in line 3, the word "is" should be inserted after the word "sensor".

In claim 24, line 2 should be changed to read "including an electrical position sensor and a target probe mounted on an arm coupled to the pivot".

In claim 25, the last line, "of the media" is repeated.

In claim 25, the limitation "the thermal print head" lacks antecedent basis.

In claim 28, line 1, the word "is" should be inserted between "sensor" and "arranged".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 10, 13, 14, 22, 25-28 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Ehrhardt (U.S. 5,978,004).

With regards to claims 1, 13 and 25-28, Ehrhardt discloses a label printer for printing on labels (fig. 5, element 5) spaced longitudinally along a carrier web with each label having a predetermined thickness and a leading edge and a trailing edge, the printer comprising:

a driving mechanism for advancing the carrier web along a media path (1, 2);
a thermal print head assembly (7) supported by a frame/print head support (41) mounted for movement toward and away from the web;
the thermal print head assembly mounted for movement toward and away from the carrier web and including a line of heater elements (8) aligned transverse to the direction of travel of the carrier web (column 3, lines 29-34);
a bias mechanism urging the print head toward the web so that the heater elements are pressed against the web (9);
a motion sensor for sensing a displacement of the print head assembly due to the passages of the edges of the labels beneath the heater elements (46);
a controller responsive to the motion sensor for synchronizing printing with the edges of each label (15);
the motion sensor arranged rigidly coupled to the frame at a first end (fig. 5).

With regards to claim 2 and 14, each of the labels is removably attached to the carrier web by a pressure-sensitive adhesive (column 1, lines 13-16).

With regards to claim 10, the thermal print head is rigidly coupled to a pivot which extends through the frame;

the motion sensor mounted to a far side of the frame, responsive to angular displacement of the pivot (fig. 5).

With regards to claim 22, Ehrhardt discloses that the print head support is rigidly coupled to a pivot (43) which extends through the frame;

the motion sensor mounted to a far side of the frame, responsive to angular displacement of the pivot (fig. 5).

With regards to claim 32, the sensor is a position sensor connected to the frame (fig. 5).

Allowable Subject Matter

5. Claims 11, 23 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian D. Huffman whose telephone number is (571) 272-2147. The examiner can normally be reached on 9:30a.m.-6:00p.m. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11

JH
29 December 2004

Tran
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